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May 9, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-B204  
Washington, DC 20554

Re: WC Docket No. 04-36

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we hereby provide you with notice of an oral *ex parte* presentation in connection with the above-captioned proceeding.

On Thursday, May 5, 2005, Sean Simpson and undersigned counsel, on behalf of Midwest Wireless Communications, L.L.C. ("Midwest") met with John Stanley in Commissioner Abernathy's office. No materials were distributed at the meeting.

We discussed the technical difficulty that carriers providing Voice over Internet Protocol ("VOIP") services have in providing E-911 service. The main problem is a customer's ability to easily move VOIP equipment around the country and the likelihood that many customers will do so without notifying Midwest in advance. Without advance notification, Midwest cannot ensure that customers will have full E-911 access, or provide timely advice concerning the absence of E-911 service in some locations.

Midwest also urged the Commission to ensure that VOIP carriers have open access to selective routers nationwide, so as to enable customers to access E-911 services when they move VOIP equipment around the country. If the Commission does not mandate open access to selective routers, VOIP providers should be

permitted to fulfill their E-911 obligation when equipment is moved by providing customers clear notice that, (1) their phone may not provide E-911 service when it is moved, (2) their 911 call may be routed to an administrative line at the PSAP, which is not the ordinary line on which 911 calls are received, and (3) as a result, the caller should first identify its location to the PSAP before describing the emergency.

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Midwest also discussed the lack of a record in the proceeding to support a new requirement to provide E-911 service. There are many technical issues outstanding which could best be resolved through, for example, Commission-sponsored workshops or a rulemaking proceeding. Such fora would encourage all carriers to participate and potentially expedite resolution of technical issues and necessary intercarrier coordination.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. LaFuria".

David A. LaFuria

cc: John Stanley, Esq.